

DERRIEL C. MCCORVEY (admitted *pro hac vice*)

LABR# 26083 / TXBR# 24073351

McCORVEY LAW, LLC

102 Versailles Blvd. Ste 620

Lafayette, LA 70501

Telephone: 337-291-2431

Fax: 337-291-2433

derriel@mccorveylaw.com

Attorneys for Plaintiff

ORGANIC PANACEAS, LLC

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**IN RE GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

Master File No. 5:20-cv-03556-BLF

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER
CASES SHOULD BE RELATED**

Related Cases:

**Organic Panaceas, LLC v. Google, LLC et al
Case 4:21-cv-02629-DMR**

I. INTRODUCTION

Pursuant to the Northern District of California’s Civil Local Rule 3-12, Plaintiff Organic Panaceas, LLC (“Organic Panaceas”) submits this administrative motion to consider whether the action styled *Organic Panaceas, LLC v. Google, LLC et al.*, Case 4:21-cv-02629-DMR (N.D. Cal.) (the “Organic Panaceas Action”) should be related to the present case, *In re Google Digital Advertising Antitrust Litigation*, No. 20-cv-03556-BLF, and the related actions pending before this Court, including, but not limited to, *Sweepstakes Today, LLC v. Google, LLC, et al.*, No. 20-cv-08984-BLF; *Genius Media Group, Inc., et al., v. Google, LLC, et al.*, No. 20-cv-09092-BLF; *Sterling International Consulting Group v. Google LLC*, No. 20-cv-09321-BLF; and *Astarita v. Google LLC, et al.*, No. 21-cv-00022-BLF (N.D. Cal. related on January 22, 2021). *See also* Order on Motions to Relate, ECF No. 69.

On May 27, 2020, Grand Atlas Tours, et al., filed an antitrust action against Google LLC and Alphabet Inc. (collectively “Defendants”) alleging Defendants have engaged in anticompetitive conduct in digital advertising, resulting in alleged damages to class members who: (1) purchased and overpaid for digital advertising services from Defendants (advertisers); or (2) were underpaid for selling advertising space through Defendants (publishers). Additional class actions on behalf of both advertisers and publishers have since been filed.

On August 11, 2020, this Court ordered the *Grand Atlas* and *Devaney* actions to be consolidated into *In re Google Digital Advertising Antitrust Litigation*, creating Master File No. 5:20-cv-03556-BLF. On January 22, 2021, the *Sweepstakes Today*, *Genius*, *Sterling*, and *Astarita* actions were ordered to be related to *In re Google Digital Advertising Antitrust Litigation*, and were re-assigned to Judge Beth Labson Freeman.

The Organic Panaceas Action, like the Consolidated and Related Actions, concerns the same or substantially similar allegations to those in the underlying *In re Google Digital Advertising Antitrust Litigation*. Given that the requirements of Civil Local Rule 3-12 have been

1 met, Organic Panaceas now respectfully requests this Court issue the proposed order formally
2 relating this action to *In re Google Digital Advertising Antitrust Litigation*. The undersigned
3 counsel appeared and requested appointment to the Plaintiffs' Steering Committee on April 12,
4 2021.

5 **II. RELATIONSHIP OF THE ACTIONS**

6
7 Under Local Rule 3-12(a), an action is related when: (1) "The actions concern
8 substantially the same parties, property, transaction or event"; and (2) "It appears likely that there
9 will be an unduly burdensome duplication of labor and expense or conflicting results if the cases
10 are conducted before different Judges." As set forth in Local Rule 3-12(a)(1), the Organic
11 Panaceas Action involves substantially the same parties, property, transaction, or event, as each
12 of the actions previously consolidated or related (the "Related Actions"), as well as concerns the
13 same alleged antitrust violations, defendants and co-conspirators, witnesses, and evidence. The
14 Organic Panaceas Action, like the Related Actions, asserts a claim for violations of Section 2 of
15 the Sherman Act.

16
17 When counsel in the Organic Panaceas Action we communicated with counsel for
18 Defendants in the Related Actions on April 28, 2021, counsel for Defendants agreed that the
19 Organic Panaceas Action should be related. Counsel for Defendants noted the Organic Panaceas
20 Action alleges monopolization of digital display services, as do the other cases before the Court.
21 Counsel for Defendants also noted that discovery in the Organic Panaceas Action will be almost
22 entirely the same as in the other cases, and the risk of inconsistent determinations on issues like
23 relevant market is serious if the cases are not related.

24
25 As set forth in Local Rule 3-12(a)(2), it appears likely that there will be an unduly
26 burdensome duplication of labor and expenses or the possibility of conflicting results if the cases
27 are conducted before different judges. Therefore, it will be more efficient for all cases to proceed
28 before the same judge so that these analyses and determinations are made by one Court.

1 **III. CONCLUSION**

2 For the reasons set forth above, Plaintiff Organic Panaceas respectfully requests the Court
3 order the Organic Panaceas Action be deemed related to *In re Google Digital Advertising*
4 *Antitrust Litigation*, No. 5:20-cv-03556-BLF, and the Organic Panaceas Action be assigned to
5 the Honorable Beth Labson Freeman.
6

7 Respectfully submitted,

8 Dated: April 28, 2021

McCORVEY LAW, LLC

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10 By: /s/ Derriel C. McCorvey

11 **DERRIEL C. MCCORVEY**

12 *Attorneys for Plaintiff*

13 **PHILIP L. GREGORY** (SBN 95217)

14 **GREGORY LAW GROUP**

15 1250 Godetia Drive

16 Woodside, CA 94062

17 Telephone: (650) 278-2957

18 Fax: By Request

19 pgregory@gregorylawgroup.com

20 **JOSEPH M. BRUNO** (pro hac vice pending)

21 **BRUNO & BRUNO, L.L.P.**

22 855 Baronne Street

23 New Orleans, LA 70113

24 Telephone: (504) 564-7366

25 Fax: 504-581-1493

26 jbruno@brunobrunolaw.com
27
28